

SUPREME COURT OF ARIZONA

JOSEPH MARTIN MCGHEE,	)	Arizona Supreme Court
	)	No. CV-21-0002-SA
Petitioner,	)	
	)	
v.	)	
	)	
PAUL DEASY, in his official	)	
capacity as Mayor of the City of	)	
Flagstaff; THE CITY OF FLAGSTAFF,	)	<b>FILED 03/02/2021</b>
	)	
Respondents,	)	
	)	
DOUG DUCEY, in his official	)	
capacity as Governor of the	)	
State of Arizona,	)	
	)	
Real Party in Interest.	)	
_____	)	

O R D E R

The court en banc has considered the briefs and authorities in this special action concerning a June 18, 2020 proclamation issued by Coral Evans, then the mayor of Flagstaff, directing persons over the age of five years old to wear face coverings except as provided under certain exceptions. The exceptions include situations where such persons are able to maintain social distancing; where prohibited by a medical or similar condition; where religious beliefs prohibit a face covering; when eating or drinking in a public place; or when in other settings where it is not "practical or feasible" to wear a face covering, such as when receiving emergency care or swimming. The proclamation directs private businesses and venues to enforce the proclamation by "asking any person failing to comply with the

emergency proclamation to leave the premises."

Upon consideration, the Court declines to accept jurisdiction pursuant to Rule 7(b), Ariz. R. P. Spec. Act. The Court finds that Petitioner Joseph Martin McGhee did not provide a compelling reason as to why this matter could not be initiated in a lower court. Additionally, lacking a factual record, the Court is unable to consider the argument that the proclamation violated Petitioner's rights. Therefore,

**IT IS ORDERED** declining jurisdiction without prejudice for Petitioner to initiate the matter in a lower court.

DATED this 2<sup>nd</sup> day of March, 2021.

\_\_\_\_\_/S/\_\_\_\_\_  
ROBERT BRUTINEL  
Chief Justice

TO:

Joseph Martin McGhee  
Sterling T Solomon  
William H Doyle  
Brian R Hauser  
Anni L Foster  
Brett William Johnson  
Colin P Ahler  
Tracy Olson  
Ian R Joyce